

City Council Agenda

Council President
Lee Brand

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Clinton J. Olivier - Acting President

Sal Quintero
Larry Westerlund
Blong Xiong

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 10, 2011

8:30 A.M. ROLL CALL

Invocation by Imam Seyed Ali Ghazvini of the Islamic Cultural Center of Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of Commendation to Veterans Administration Medical Center (VAMC) in collaboration with the City of Fresno/Department of Transportation to enhance bus stop amenities on VAMC property around the Medical Center on Clinton Avenue and Fresno Street – Dept. of Transportation/Fresno Area Express – **Commendation made**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve City Of Fresno Cultural Arts Properties (COFCAP) meeting minutes of [January 27, 2011](#)

Action Taken: **Approved**

Approve minutes of February 3, 2011

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken: **Approved**

Approve Agenda

Action Taken: **Approved, as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time permits.

A. [Approve documents pertaining to Bank of America – Airports Dept.](#)

1. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) to authorize Amendment No. 3 to License Agreement with Bank of America for ATM services in the passenger terminal at Fresno Yosemite International Airport

Action Taken: **Adopted**

2. Approve Amendment No. 3 to License Agreement with Bank of America for the operation of an automatic teller machine (ATM) in passenger terminal at Fresno Yosemite International Airport (FYI) at the rate of \$6,000 per year

Action Taken: **Approved**

B. [Approve documents pertaining to Nicholas J. Palomares dba Airport Barbershop – Airports Dept.](#)

1. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) to authorize Amendment No. 4 with Nicholas J. Palomares dba Airport Barbershop for barbershop shop services in the passenger terminal at Fresno Yosemite International Airport

Action Taken: **Adopted**

2. Authorize Amendment No. 4 to the lease of 182 square feet of space in the passenger terminal at Fresno Yosemite International Airport (FYI) to Nicholas J. Palomares dba Airport Barbershop for an indefinite period of time on a month-to-month basis until terminated by either party on thirty (30) days notice, at a rental of \$150 per month or an amount equivalent to fifteen percent (15%) of gross receipts, whichever is greater

Action Taken: **Authorized**

C. [Approve the partial acquisition of one \(1\) street easement for the placement of traffic signals at the intersection of First Street and Dakota Avenue from property owner Western Diocese of the Armenian Church of North America, in the amount of \\$700.00 \(***Property Located in District 7***\) – Public Works Dept.](#)

Action Taken: **Approved**

1. **CONSENT CALENDAR CONTINUED**

- D. Approve the fourth and final project Change Order for a credit in the amount of \$476,016 and a project extension of two hundred sixty seven (267) additional days for the organic upgrade construction project at the Fresno/Clovis Regional Wastewater Reclamation Facility (**Property located in District 3**) – Dept. of Public Utilities
Action Taken: Approved
- E. Adopt environmental findings and authorize documents relating to use of Airports Ag Farm property by the Fresno Police Department and Fresno Unified School District (**Property located in District 4**) – Police Dept.
1. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301 (a) (d)/Class 1 (Existing Facility) of the California Environmental Quality Act Guidelines regarding maximum three-year lease/use rights continuing existing uses at the Ag Farm
Action Taken: Adopted
 2. Authorize Amendment No. 1 to the Memorandum of Agreement between the Airports Department and Police Department
Action Taken: Authorized
 3. Authorize Amendment No. 1 to the lease and services agreement between Police Department and the Fresno Unified School District
Action Taken: Authorized
 4. * **RESOLUTION** - 44th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$13,400 into the fiscal year 2011 budget for the lease and services agreement between Police Department and the Fresno Unified School District (**Requires 5 affirmative votes**)
Action Taken: resolution No. 2011-15 adopted
- F. **RESOLUTION** - Authorize application for and acceptance of Department of Resources Recycling and Recovery (CalRecycle) local government waste tire clean-up and amnesty event grant funding, and to authorize execution of documents – Development and Resource Management Dept.
Action Taken: Resolution No. 2011-16 adopted

CONTESTED CONSENT CALENDAR

9:15 A.M. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** - 70th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$9,031,700 in 2010 Water Bonds A-2 (Build America Bonds) fund for the continuance of the residential water meter installation project (**Requires 5 affirmative votes**) (**Property located in various Council districts**) – Dept. of Public Utilities
Action Taken: Resolution No. 2011-17 adopted
- B. **RESOLUTION** - Authorizing an application to the California Department of Public Health for a low interest loan in the amount of \$75,000,000 for the retrofit and installation of residential water meters throughout the City of Fresno and authorize the Director of Public Utilities/designee(s) to execute all application documents on behalf of the City– Dept. of Public Utilities
Action Taken: Resolution No. 2011-18 adopted, as amended, for \$35 million
- C. * **RESOLUTION** - 69th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$500,000 of Redevelopment Agency funding in the PARCS Dept. to construct landscape improvements at the neighborhood youth center located at 1802 E. California Avenue (**Requires 5 affirmative votes**) (**Property located in District 3**) – PARCS
Action Taken: Resolution No. 2011-25 adopted

9:15 A.M.

GENERAL ADMINISTRATION CONTINUED

- D. Reject all bids to construct the Central and Southeast District Policing Stations along with a secure storage building at the Southeast District Station *(Property located in Districts 1 and 4)* - Public Works Dept. & Police Dept.
Action Taken: Rejected as recommended

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:30 A.M.

Recommend Fresno City Council: (Fresno City Council Finance & Audit Committee, Members Borgeas, Brand, Xiong)

- a. Receive the findings of the Finance & Audit Committee's recommendations on the Southeast Growth Area (SEGA)
Action Taken: Received
- b. * **RESOLUTION** - Suspending further City work and investment in Southeast Growth Area (SEGA)
Action Taken: Continued 30 days for staff review and report
- c. **RESOLUTION** - Initiating the "West Fresno Growth Plan"
Action Taken: Continued 30 days for staff review and report
- d. **RESOLUTION** - Directing staff to establish a priority list of planning, infrastructure, and land use projects
Action Taken: Resolution No. 2011-20 adopted
- e. **RESOLUTION** - Directing staff to explore the percent of infill land developed as a trigger for commencing work on SEGA
Action Taken: Resolution No. 2011-21 adopted
- f. **BILL - (For introduction)** - Amending Section 4-107(g) of the Fresno Municipal Code relating to contracts not requiring competitive bidding
Action Taken: Bill No. B-6 introduced and laid over

9:45 A.M.

CITY COUNCIL

10:00 A.M.#1

HEARING to consider reversion of acreage of Final Map of Tract 4983 – Public Works Dept. *(Continue to March 3, 2011 @ 10:30 a.m.)*

Action Taken: Continued as noted

10:00 A.M.#2

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of February 3, 2011

Action Taken: Approved

- A. **RESOLUTION** - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions *(Council and Agency action)* – City Clerk's Office
Action Taken: Joint Resolution Nos. 2011-22/1774 adopted
- B. **RESOLUTION** - Authorizing submittal of an application to California Department of Housing and Community Development and acceptance of 2010 housing-related parks program funding and execution of program documents – Downtown Community Revitalization Dept. *(Council action)*
Action Taken: Resolution No. 2011-23 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.#2 JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY CONTINUED

- C. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, and authorizing the expenditure of \$500,000 for the installation of landscaping and facility improvements for the neighborhood youth center at California and Elm Avenues (Southwest Fresno General Neighborhood Renewal Project Area) (**Council and Agency action**)
Action Taken: Joint Resolution Nos. 2011-24/1775 adopted

ADJOURN AGENCY

- 10:15 A.M. **CONTINUED HEARING** to consider Plan Amendment Application No. A-10-09, Rezone Application No. R-10-07, and environmental findings, filed by Dirk Poeschel Land Development Services, Inc., on behalf of Wilson Homes, pertaining to an approximately 11.23 acre portion of property located on the north side of W. Herndon Avenue between N. Valentine and N. Marks Avenues (**Property located in District 2**) – Development and Resource Management Department
Action Taken: Held
- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-09/R-10-07/C-10-195/T-5983
Action Taken: Adopted
- b. **RESOLUTION** – Amending the 2025 Fresno General Plan, Bullard Community Plan, and Sierra Sky Park Land Use Policy Plan to change the planned land use designation for an approximately 3.58 acre portion of the subject property from Office Commercial to Neighborhood Commercial; and approximately 7.65 acre portion from Office Commercial to Medium-High Density Residential
Action Taken: Resolution No. 2011-19 adopted
- c. **BILL** – Amending the Official Zone Map to rezone the approximately 3.58 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the C-1/EA/UGM (*Neighborhood Shopping Center/Expressway Area Overlay/Urban Growth Management*) zone district; and, the approximately 7.65 acre portion of the subject property from the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district to the R-2/EA/UGM (*Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management*) zone district
Action Taken: B-5/Ordinance No. 2011-5 adopted, as amended, adding traffic mitigation measure (dual left-turn lanes)

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
1. Pacific Gas and Electric Company v. City of Fresno
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** The City of Fresno v. The Discovery Center
Action Taken: Held

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	17 -	9:30 A.M.	WORKSHOP regarding priority setting - Mayor's Office
Feb.	17 -	10:00 A.M.	HEARING to consider a resolution of public use and necessity for acquisition of permanent utility easement and rights of way for public utility purposes from the following parcel of real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-23 owned by Central California Nikkei Foundation
Feb.	17 -	10:15 A.M.	HEARING to consider a resolution of public use and necessity for acquisition of permanent utility easement and rights of way for public utility purposes from the following parcel of real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road in the County of Fresno: APN 463-050-28 owned by Frank P. Chung and Lily L. Chung, as Trustees, creating the Chung Family Revocable Trust, as to undivided ½ interest; and Walter M. Gee and Wai Yui Gee, Trustees under Revocable Trust Agreement dated December 15, 1986, as to an undivided ½ interest
Feb.	17 -	3:00 P.M.	Presentation regarding frivolous construction lawsuits – Council President Brand
Feb.	24 -		NO MEETING – PRESIDENTS' DAY
Mar.	3 -	10:00 A.M.	HEARING re: CFD No. 11, Annexation No. 37, Tract No. 5498 <i>(Property located in District 5) (Continue to March 17, 2011 at 10:15 a.m.)</i>
Mar.	3 -	10:15 A.M.	CONTINUED HEARING re: Plan Amendment No. A-10-08, filed Dirk Poeschel Land Development Services
Mar.	3 -	10:30 A.M.	CONTINUED HEARING re: reversion of acreage of Final Map of Tract 4983 – Public Works Dept.
Mar.	3 -	10:45 A.M.	JOINT HEARING WITH RDA re: five Implementation Plans
Mar.	10 -		MEETING
Mar.	17 -	9:30 A.M.	WORKSHOP re: priority setting – Mayor's Office
Mar.	17 -	10:00 A.M.	HEARING to consider Plan Amendment A-10-005 and environmental findings, filed by the City of Fresno Airports Department, pertaining to property located in and around the Fresno Yosemite Airport, generally bounded by E. Dakota, North Chestnut, E. McKinley and North Clovis Avenues
Mar.	17 -	10:15 A.M.	CONTINUED HEARING re: CFD No. 11, Annexation No. 37, Tract No. 5498 <i>(Property located in District 5)</i>
Mar.	24 -		NO MEETING – COUNCIL RECESS
Mar.	31 -	10:00 A.M.	HEARING ordering the vacation of a portion of the north side of E. Mildreda Avenue between N. Van Ness Avenue and the Van Ness-College Alley <i>(Property located in District 3)</i>